

**REMARKS/ARGUMENTS**

The Examiner is thanked for the clarity and conciseness of the previous Office Action, and for the citation of references, which have been studied with interest and care.

This Amendment is in response to the Office Action mailed February 28, 2006. In the Office Action, the Examiner objected to the drawings and rejected claims 19-25 under 35 U.S.C. § 101 and claims 1, 8-10, 17-19, and 26 under 35 U.S.C. § 103.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

***Drawing Objections***

Applicant has filed herewith formal drawings in compliance with 37 C.F.R. § 1.121(d) to address the Examiner's drawing objections.

Applicant respectfully requests that the Examiner remove this ground for objection.

***Rejection Under 35 U.S.C. § 101***

Claims 19-25 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicant respectfully submits that an optical or electrical wave or a carrier wave does represent a tangible embodiment. Propagated signals are real, can be sensed, and can cause an effect upon receipt by a machine and are thus tangible.

Claims 19-25 are directed to: "A machine-readable medium having stored thereon instructions..." Applicant respectfully submits that a proper construction of these claims includes claims that are a subset of articles of manufacture that comprise a machine-accessible medium as defined by the specification, i.e. any mechanism that provides information in a form readable by a machine. To the extent that the specification may provide examples of machine-accessible media that are not articles of manufacture, it is the Applicant's position that such examples are not claimed. For the purpose of providing a record that gives clear notice of the

scope of the invention that the Applicant claims, Applicant intends to claim the broadest scope of machine-accessible media permissible at the time the claims are construed, namely any article of manufacture that provides information in a form readable by a machine.

Since the claims are limited to a machine-readable medium having stored thereon instructions, by their own terms, and this is clearly patentable subject matter under the 35 U.S.C. § 101, Applicant respectfully requests that the Examiner remove this ground for rejection.

Particularly, Applicant respectfully requests that the Examiner review this rejection under the most current Patent Office guidelines and withdraw the rejection of claims 19-25 under 35 U.S.C. § 101 as lacking patentable utility.

***Claim Objections/Allowable Subject Matter***

Applicant notes with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claims 2-7, 11-16, and 27-30 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent claims 1, 10, 19, and 26 to include all of the limitations of dependent claims 2, 11, 20, and 27, respectively, and has consequently cancelled claims 2, 11, 20, and 27, without prejudice.

Applicant respectfully requests that independent claims 1, 10, 19, and 26 and all claims that depend therefrom be allowed and passed to issuance.

**Conclusion**


In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-10, 12-19, 21-26, 28-30 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 3/24/2006

By

  
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**Attachments**

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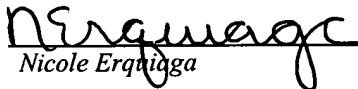
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Nicole Erquiaga

3/24/2006

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